

Policies for the Restriction and Monitoring of Alcoholic Beverages in Yogyakarta, a tourist destination



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Bima Setya Nugraha ^{a,1}, Lana Prihanti Putri ^{b,2}

^a Master of Law, Universitas Ahmad Dahlan, Yogyakarta, Indonesia

^b Flinders University, Adelaide, Australia

¹ bima.nugraha@law.uad.ac.id[✉]; ² prih0004@flinders.edu.au

[✉] corresponding author email

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ABSTRACT

As stated in paragraph 4 of the Preamble to the 1945 Constitution of the Republic of Indonesia, the state's mandate is to ensure legal protection and realize public welfare. The distribution of alcoholic beverages is one of the responsibilities of the government; on the one hand, it helps the society and is necessary for tourists, particularly those from abroad; on the other hand, the community need protection in relation to this distribution. The Special Region of Yogyakarta's economic and tourism center is the city of Yogyakarta. Yogyakarta, being a major tourist destination and economic center, is intimately associated with the distribution of alcoholic beverages. Yogyakarta City Regional Regulation Number 7 of 1953 concerning Licenses for the Sale of Liquor in the Yogyakarta City Area must be updated because the government's currently-applicable regulations regarding the Control and Supervision of Alcoholic Drinks and the Prohibition of Mixed Drinks are no longer relevant. For the Yogyakarta City Government to be able to oversee and manage alcoholic beverages, the City of Yogyakarta currently needs regional legislation on Alcoholic beverages that act as a based framework for law enforcement.

Keywords: Alcohol, Yogyakarta City, restriction, monitoring

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INTRODUCTION

The city of Yogyakarta is the center of the economy and tourism in the Special Region of Yogyakarta. According to annual visitor data from the last three years, the number of tourists has risen to four million, with 3.5 million in 2016, 3.8 million in 2017, and 4.1 million in 2018. Yogyakarta, as an economic center and strategic tourist destination, is inextricably linked to the distribution of alcoholic beverages.

As a result of these conditions, many seasonal inhabitants travel to Yogyakarta for tourist purposes, leaving the city's position particularly vulnerable to the trafficking of illegal booze. With its tourist reputation, it is not surprising that there are numerous nightlife places in Yogyakarta that provide various types of alcoholic beverages that are packaged so nicely that many people are interested in consuming them. The current distribution of alcoholic beverages is particularly troubling, as seen by the vast number of businesses, discos, and cafés that offer alcoholic beverages openly and unlawfully. According to this statement, it is relatively easy to purchase booze because many liquor sales are carried out freely and unlawfully without being equipped with permits as required by statutory requirements.

Aside from that, it is also associated with the distribution of traditional or contaminated liquor that is not manufactured in factories. The distribution of traditional or contaminated liquor is extremely hazardous to the health of those who consume it, because customers do

not know if it fulfills conventional liquor manufacturing and processing criteria. From a legal standpoint, the distribution of alcoholic beverages is legal in Indonesia due to the Regulation of the Minister of Health of the Republic of Indonesia Number 86/MENKES/PER/IV/1997 concerning Liquor, one of which regulations governs the prohibition of the use and distribution of alcoholic beverages without a permit. In empirical reality, this situation is that its use is often misused and not for health purposes, but beyond that, it is used as a business (economic) object and has an impact on mentally damaging activities, both physically and psychologically, of the younger generation. The background to law enforcement against alcoholic beverages is based on the assumption that there is a close correlation between alcohol consumption and the resulting negative attitudes which tend to have the potential to commit criminal acts.

This is a type of infringement that needs to be decreased and regulated; in this case, the Government and Regional Government are attempting to restrict liquor sales permits. Using criminal law is one of the efforts made. The basic purpose of law is to build an ordered society and create balance, with the intention that it will defend the interests of society as a whole. In an effort to regulate the circulation of illegal liquor through criminal legislation, the Government and Regional Governments are involving law enforcement officers, namely Satpol PP, Police, Prosecutors, and Judges. Apart from that, adequate funding and legal regulations are also needed.

According to the liquor legislation, all types of illegal liquor distribution are illegal, and anyone participating in the distribution of illegal liquor can face criminal penalties with no exceptions. To enforce the law against illegal liquor distribution, cooperation between each component of the criminal justice system is required, which includes: regulations, institutions, institutions or mechanisms of law enforcement officials, and the community itself, and it is hoped that the above components will be able to carry out good coordination and cooperation.

Since alcoholic beverages are much sought after by both domestic and international tourists, Yogyakarta has a very large supply of them. In order to achieve communal welfare, measures for the regulation and oversight of alcoholic beverages are required due to their widespread distribution. It is envisaged that the Yogyakarta City Government's management and oversight of alcoholic beverages will enable it to regulate their movement inside the city.

The detrimental effects of alcoholic beverages might be lessened under the supervision of the Yogyakarta City Government. Since drinking alcohol has so many negative effects on one's health and social life, Yogyakarta City residents generally do not practice or have a tradition of doing so. Alcohol consumption can lead to a number of health issues, including brain edema, liver cirrhosis, cardiac issues, gastrinity, paranoia, damage to nerves and memory, and organic mental illnesses (GMO). Socially, inebriated individuals harm society's social order, interfere with the security system (causing unrest and violence), and may even commit major crimes if they are not under control.

Since alcohol is sometimes seen as a traditional beverage, it is frequently ingested as a part of rituals and ceremonies associated with cultural customs, inherited habits, or even as the primary beverage for stamina maintenance, which draws tourists to tourist destinations. The Yogyakarta City Government must make arrangements for the control and supervision of alcoholic drinks due to the diversity of attitudes and acceptance within the community, particularly among those living in the city, as well as visitors from outside Indonesia.

In dealing with the large number of alcoholic drinks circulating in the City of Yogyakarta, the Yogyakarta City Government previously had a Regional Regulation that regulates alcoholic drinks, namely Yogyakarta City Regional Regulation Number 7 of 1953 concerning

Liquor Sales Licenses and Tax Collection on Permits to Sell Liquor in the Yogyakarta City Area as well as Yogyakarta City Regional Regulation Number 17 of 1960 concerning Replacement of Yogyakarta City Regional Regulation Number 7 of 1953. Replacement of Yogyakarta Municipal Regional Regulation Number 4 of 1957 concerning Amendments and explanations to Yogyakarta Municipal Regional Regulation Number 7 of 1953. However, it has been demonstrated that these regulations are ineffective at providing the best possible supervision and control over alcoholic beverages. This is because a significant amount of alcoholic beverages are still being distributed in the field that do not adhere to the regulations; these can be considered to be the distribution of illegal alcoholic beverages, which contributes to the rise in crime because alcoholic beverages are legal. range of the Yogyakarta City Government's authority and oversight.

Based on the problems mentioned above and accompanied by the issuance of: Presidential Regulation Number 74 of 2013 concerning the Control and Supervision of Alcoholic Drinks, Regulation of the Minister of Trade Number 20/MDAG/PER/1/2014 as amended several times, most recently Regulation of the Minister of Trade of the Republic of Indonesia Number 25 of 2019 concerning the Sixth Amendment to the Regulation of the Minister of Trade Number 20/M-Dag/ Per/4/2014 concerning Control and Supervision of the Procurement, Distribution and Sale of Alcoholic Drinks and Regional Regulation of the Special Region of Yogyakarta Province Number 12 of 2015 concerning Control and Supervision Alcoholic Drinks and the Prohibition of Mixed Drinks, which are regulations related to alcoholic drinks, are the basis for updating the Yogyakarta City Regional Regulation Number 7 of 1953 concerning Liquor Sales Licenses in the Yogyakarta City Area so that the Yogyakarta City Government is able to carry out control and supervision of alcoholic beverages independently.

METHODS

An empirical juridical methodology was applied in this study. The purpose of empirical legal is to investigate issues concerning the Control and Supervision of Alcoholic Drinks in the City of Yogyakarta. Then it is supplemented by evaluating papers that include statutory rules and numerous policies connected to the primary concerns of the Control and Supervision of Alcoholic Drinks, as well as other documents concerning the Control and Supervision of Alcoholic Drinks. According to the nature of the purpose of writing, this academic manuscript falls under descriptive writing, which aims to describe facts or characteristics carefully and in detail, as well as determining the frequency of things that occur (Rianto Adi, 2005).

RESULTS AND DISCUSSION

Since the beginning of human history, about 8,000 years ago, alcohol has been known to exist. Today, society continues to drink large amounts of alcohol, particularly ethyl alcohol (ethanol). Similar to other sedative-hypnotic medications, alcohol works by reducing anxiety and promoting feelings of calmness or even euphoria in small to moderate doses. But alcohol is also regarded as the most abused drug in the world, which is understandable given the severe effects it has on both society and the medical community. As in Masters (2002)

Supervision is an activity to assess the de facto implementation of tasks, while the purpose of supervision is limited to checking whether the activities carried out are in accordance with previously established benchmarks. In the explanation of Article 2 of the Regulation of the Minister of Trade of the Republic of Indonesia Number: 15/M-DAG/3/2006 concerning Supervision and Control of Alcoholic Drinks, it regulates the classification, types and Quality Standards of Alcoholic Drinks which are grouped into 3 (three) groups as follows:

- 1) Group A is liquor with an ethanol (C₂H₅OH) content of 1% (one percent) to 5% (five percent);
- 2) Group B is liquor with an ethanol content (C₂H₅OH) of 5% (five percent) to 20% (twenty percent); And
- 3) Group C is liquor with an ethanol content (C₂H₅OH) of 20% (twenty percent) to 55% (fifty five percent).

In terms of health, alcohol consumption can result in brain edema, liver cirrhosis, cardiac issues, gastrinity, organic mental diseases (GMO), damage to nerves and memory, and paranoia (Jayanti, 2017). Drinks whose alcohol content is below the three groups listed above are not considered alcoholic beverages.

The types of alcoholic drinks available abroad or domestically are:

- 1) Foreign alcoholic drinks:
 - a. Smirnoff.
 - b. Johnnie Walker
 - c. Bacardi.
 - d. Vermouth martinis.
 - e. Hennessy.
 - f. Jack Daniel's.
 - g. Absolute.
 - h. Chivas regal.
 - i. Captain Morgan.
 - j. Ballantine's
 - k. Red label.
 - l. Black label.
- 2) Domestic alcoholic drinks:
 - a. 'cap tikus' or sagoer
 - b. Tuak.
 - c. Balinese wine.
 - d. Gin
 - e. Lapen.
 - f. Ciu.
 - g. Anggur orang tua.
 - h. Bir bintang.
 - i. Anker beer.

Policies concerning the Prohibition of Alcoholic Drinks stipulates that one of the aims of this regulation is to protect the public from the negative impacts caused by alcoholic drinks and to raise public awareness regarding the dangers of alcoholic drinks. This should be interpreted to mean that not all aspects of alcoholic drinks automatically have an absolute

negative impact, especially traditional alcoholic drinks which must be viewed from various points of view. Apart from the alcohol content contained in it, traditional alcoholic beverage products have value that can be useful as a typical Indonesian product and support the domestic tourism sector. Therefore, it would be good if enrichment was carried out and different treatments were applied between traditional alcoholic drinks and other types of alcoholic drinks such as concocted alcoholic drinks and factory-produced alcoholic drinks.

Traditional alcoholic drinks are IPR-based products, especially in the areas of indication of origin and geographical indication. Objects with indications of origin and geographical indications both have economic value, not because of their position as intellectual property assets produced by individuals, as is the case with brands, but because of geographical environmental factors that give special characteristics to products produced in a particular region. Indications of origin are protected without registration obligations (declarative) while geographical indications are protected through registration obligations (constitutive) (Irawan, 2017).

According to studies done by the researcher, the sale of alcoholic beverages has a significant impact on hotels and restaurants in Yogyakarta because the city is a popular tourist destination, as evidenced by the fact that this industry provides employment opportunities for locals. Visitors to Yogyakarta include both domestic and international visitors, the latter of whom frequently search for attractions such as hotels, dining establishments, or other establishments that serve alcoholic beverages. From the perspective of medical science, alcohol can be a friend or an adversary because it is a medication that is generally safe to take "if used in appropriate quantities." (Dirdjosisworo, 2000).

'Oplosan' liquor is on the increase again, claiming several victims in early 2016. As many as 26 people died in a row owing to drinking at the start of that year. The beginning of 2016 likewise saw the highest number of alcohol-related deaths in the previous 6 (six) years. Where the victims drank 'Oplosan' liquor with an alcohol concentration of 70% to 90% blended with fruit sweetness and herbs. Apart from that, before 2016 there were also victims due to alcohol consumption, with details of the number as follows:

- a. In 2002, 3 people died in succession due to mixed alcohol.
- b. In 2010, 13 people died in a row due to consuming 'Oplosan' liquor which was produced by a Brontokusuman resident. Of the 5 people killed, they were residents of Brontokusuman, 1 person was Gondomanan and 1 other person was Gondokusuman.
- c. In 2014, 2 victims died, residents of Gondomanan after previously having an 'Oplosan' drinking party with 6 friends in Gondomanan.
- d. In mid-2015, another victim died from consuming 'Oplosan' liquor, namely 2 Pakualaman residents and 1 Mergangsan resident.

Aside from that, many people in Yogyakarta have perished as a result of alcohol consumption. There are also perpetrators in Yogyakarta who sell alcohol and blend 'Oplosan' liquor with various energy drinks, fruit sweeteners, and other harmful beverages. In addition to buying and selling at cafés, vendors can deceive officers by selling alcohol wrapped in soft drink bottles and stored in refrigerators. One of them was in a supermarket in the Gondokusuman neighborhood of Terban, where dozens of 1.5 liters of alcohol in soft drink bottles were on display. Data clearly shows that Jetis discovered hundreds of thousands of liquor bottles in two cafés on Jl. Pakuningratan and Jl. Walter Monginsidi.

Each of these cafes contains 992 bottles of alcohol and 1,490 bottles of alcohol of various brands. Then in the Jogja Tribune (4 May 2018) it was revealed that in the same area, namely in Jetis District in Jogoyudan, Gowongan, the perpetrator was selling dozens of jerry cans and thousands of plastics containing liquor mixed with sweetened condensed milk (Skm), mocha coffee paste and also herbal medicine in packages of 200 milli liters each. This area, which is often a tourist destination for foreign tourists, cannot be separated from the operations carried out by Yogyakarta City Satpol PP officers. In this operation, officers succeeded in confiscating thousands of bottles of alcohol in eleven shops and cafes that were buying and selling alcohol without a permit. During this operation, at least 5 to 10 crates were found, each containing 20 bottles. In fact, one of the shops is a warehouse for storing illegal alcohol.

Forms of control and supervision of alcoholic beverages in the city of Yogyakarta include the imposition of excise stamps on alcoholic beverages, reporting sales stock and goods sold to the Regional Government, apart from that there is a special form of regulation regarding the distribution of alcoholic beverages which is carried out through the inclusion of distribution labels. In relation to the regulation of distribution labels, it is regulated in Article 20 of the Yogyakarta Special Province Regional Regulation Number 12 of 2015 concerning Control of the Distribution of Alcoholic Drinks in the Province of Yogyakarta, Distribution Labels are identification marks in the form of stickers that are affixed to each bottle or packaging of alcoholic beverages. The number of distribution labels issued each year is the authority of the Provincial Government, in this case the Regional Government of the Special Region of Yogyakarta, without taking into account needs but rather based on the policy of the Regional Government of the Special Region of Yogyakarta regarding the number of alcoholic drinks that may be circulated/sold in the Special Region of Yogyakarta. Submission of distribution labels is carried out by associations that have fulfilled the requirements in accordance with statutory regulations, and without being subject to any taxes, levies or fees. That the printing of distribution labels as a sign of controlling alcoholic beverages is carried out by the Yogyakarta Special Region Industry and Trade Service.

The distribution label must contain at least:

- 1) Product name;
- 2) Ethyl alcohol or ethanol content;
- 3) List of materials used;
- 4) Net weight or net contents;
- 5) Name and address of the producing company and/or importing company;
- 6) Expiry date, month and year;
- 7) The words "Alcoholic Drinks";
- 8) Warning Sign "Under the age of 21 (twenty one) years and pregnant women are prohibited from drinking"; And
- 9) Gave warning of negative impacts if consuming alcoholic drinks.

In addition, limitations on the hours of distribution and sales of alcoholic beverages are necessary as part of Yogyakarta's policy to manage the distribution of alcoholic beverages. The following are the types of supervision that cross-institutions use to regulate and oversee alcoholic beverages: Monitoring the hours of operation and closing; supervising the labeling of alcoholic drinks; keeping an eye on the quantity of alcoholic beverages in circulation; monitoring the sale and consumption of alcoholic beverages; supervising the sites where

alcoholic beverages are sold; Supervision after alcohol has circulated in the field is known as post-market supervision. Samples are taken to assess the safety and quality of the product as well as to ensure that labels and advertisements are accurate as part of this supervisory process. As of right now, BB POM conducts a sampling test to determine whether items in circulation in the community meet label specifications and are safe for general consumption; and monitoring the registration numbers' (marketing permits') validity duration. Any distributed alcoholic beverage product needs to be registered as a distribution permit and have a distribution mark, such as an import-only Foreign Food mark (ML) or domestic food mark (MD).

Control within the framework of supervision is carried out on:

- a. Duty Free Shop Entrepreneurs (PTBB), Direct Sellers, Retailers of Class A, B and C Alcoholic Drinks as well as Direct Sellers and/or Retailers of Alcoholic Drinks for health purposes containing herbal spices and the like;
- b. Licensing, Quality Standards, Import, distribution and sale of Class A, B and C alcoholic beverages; And
- c. Place/location for distribution and sale of Class A, B and C Alcoholic Drinks.

The Mayor of Yogyakarta has the authority to supervise and control as well as regulate the circulation of alcoholic beverages in the City of Yogyakarta. In carrying out monitoring and control activities for the distribution and sale of alcoholic beverages, the Mayor is assisted by a team consisting of related agencies and can involve community leaders. The team gives consideration to the Mayor in granting permits regarding alcoholic drinks. The team was formed by the Mayor's decision. The Mayor has the authority to revoke permits for the distribution of alcoholic beverages which have been granted to reduce the allocated number of alcoholic beverages permitted to be distributed in the City of Yogyakarta due to public interest considerations. The mayor can also stop the sale of alcoholic beverages due to special considerations, on certain days or certain months because they are deemed to disturb public peace and order. In addition, the Mayor has the authority to prohibit the distribution of all types of alcoholic beverages in the Yogyakarta City area if they disturb public peace and order. Entrepreneurs who sell alcoholic beverages are obliged to maintain order and security in the sales area and ask for assistance from security/police officers to regulate and provide security if a commotion occurs at the sales location. The public is given the right and opportunity to participate in the prevention, distribution and abuse of alcoholic beverages which is contrary to statutory regulations.

The forms of community participation can be in the form of:

- a. Provide information about activities prohibited in this Regional Regulation;
- b. strengthening local culture as an effort to prevent alcohol abuse;
- c. overseeing the law enforcement process; And
- d. provide education regarding the negative impacts of alcoholic beverages.

Apart from that, the public can also report all forms of abuse of alcoholic beverages that they know about, either in writing or orally, to the authorized regional apparatus/agency. For this purpose, the Regional Government is obliged to provide a community reporting service center through media that is easily accessible to the public. The local government collaborates with the police to ensure the safety of people who report alcohol abuse. The party who has the authority to take action against anyone who violates the provisions of this Regional Regulation is the Civil Servant Investigator (PPNS). Provisions for sanctions if various

provisions regarding the distribution of alcoholic beverages are violated by the seller. The sanctions are divided into two, namely administrative sanctions and criminal sanctions.

Administrative sanctions include:

- a. giving a written warning;
- b. revocation of permit; and
- c. business closure.

While the criminal sanction is imprisonment for a maximum of 3 (three) months or a maximum fine of Rp.50,000,000.00 (fifty million rupiah).

Furthermore, there are areas suspected of circulating alcoholic beverages in Yogyakarta. As for the areas in Yogyakarta that are the center of alcohol distribution, the areas are:

- a. Bong Suwung Pringgokusuman Right Building
- b. Jl. Parangtritis Prawirotaman, Brontokusuman Mergangsan;
- c. Kampung Prawirotaman, Brontokusuman, Mergangsan;
- d. Jl. Pakuningratan, Cokrodiningrat, Jetis
- e. Jl. Walter Monginsidi, Jetis
- f. Jogoyudan, Gowongan, Jetis;
- g. Gunungketur Area, Pakualaman;
- h. Magangan, Kraton and
- i. Terban Gondokusuman.

As is known, control and supervision of the production process/stage, distribution and sale of alcoholic beverages involves many regional officials/agencies or stakeholders as well as community leaders. Each agency in accordance with the provisions of statutory regulations has its own authority to carry out its duties and functions in the control and supervision of alcoholic beverages. As one example of supervision:

- a. The form of supervision carried out by regional officials who carry out regional government in the field of industry and trade, among others, at least twice a year with the Mayor and/or several members of the Regional People's Representative Council) inspecting alcoholic beverage factories or companies. Apart from that, there are also restrictions on places that can sell alcoholic drinks. There is something interesting about one of the methods used by regional officials who carry out regional government in the field of industry and trade in the city of Yogyakarta in the context of controlling and supervising alcoholic drinks, namely that raw materials for making alcoholic drinks such as *lapen*, *ciu* are directed to make other types of products, for example *legen* is used as an ingredient. staple for making palm sugar or used as a basic ingredient for making technical alcohol, so that farmers do not sell the *legen* to alcoholic beverage producers. In this way, production of alcoholic beverages can be reduced but will not harm farmers.
- b. Meanwhile, from the POM/BB POM Agency, the authority to carry out supervision and control related to the alcoholic beverage industry/products is carried out by: monitoring whether production methods are in accordance with Good Food Production Methods (CPPB) which include:
 - Quality control and label requirements;

- calculate the production quantity per batch whether it is in accordance with the excise duty issued by the Ministry of Finance (Customs);
- direct supervision of production, whether the alcohol content corresponds to the class; And
- carry out sampling and quality testing in the laboratory for the content of ethyl alcohol (ethanol) and methyl alcohol (methanol).
- The civil service police have the authority to carry out supervision and control, namely: the implementation of Regional Regulations is obeyed by the people of Yogyakarta City for the orderliness of the city of Yogyakarta.

The preparation of Yogyakarta City Regional Regulations regarding the Control and Supervision of Alcoholic Drinks and the Prohibition of Mixed Drinks is also an effort to ensure legal certainty in the Control and Supervision of Alcoholic Drinks and the Prohibition of Mixed Drinks in the City of Yogyakarta, so that it can:

- a. Optimizing the Control and Supervision of Alcoholic Drinks in the City of Yogyakarta;
- b. Optimizing Supervision and Enforcement on the Prohibition of Mixed Drinks in the City of Yogyakarta;
- c. Improving services to the community in the process of Controlling and Supervising Alcoholic Drinks and Prohibiting Mixed Drinks.
- d. Optimizing the Regional Original Income of the Yogyakarta City Government through the revenue component in the alcoholic beverage tax sector; And
- e. Improving the regional economy of Yogyakarta City with business activities in the alcoholic beverage trade sector.

CONCLUSION

Through the Alcoholic Drink Control and monitoring policy, the Yogyakarta City Government constantly seeks to put control and monitoring of alcoholic beverages into effect. The city of Yogyakarta's increasingly burgeoning alcoholic beverage business climate favored this regulation, supervision, and ban. The City of Yogyakarta must enact policies for the Control and Supervision of Alcoholic Drinks and the Prohibition of Mixed Drinks in order for the government to have authority over the acquisition, distribution, sale, and ownership of alcoholic beverage enterprises. Apart from that, in order to provide favorable circumstances and conditions in the City of Yogyakarta, the implementation of Supervision and Control of Alcoholic Drinks is necessary to offer legal assurances and certainty for every individual, corporate entity, and society. The procurement, distribution, and sale of alcoholic beverages will become more controlled and overseen when the City of Yogyakarta updates its alcoholic beverage control and supervision policy. The Yogyakarta City Government will be able to better inventory and identify business participants in the alcoholic beverage sector as a result of this.

AUTHORS' DECLARATION

Author contribution : The authors made substantial contributions to the conception and design of the study. The authors took responsibility for data analysis, interpretation, and discussion of results. The authors read and approved the final manuscript.

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